IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 27TH MARCH 2007 / 6TH CHAITHRA 1929

WP(C).No. 10255 of 2007(U)

PETITIONER:

V.M.UPENDRAN NAIR,
TYPIST (HIGHER GRADE), KERALA STATE CO-OPERATIVE AGRICULTURAL AND RURAL DEVELOPMENT BANK, STATUE, THIRUVANANTHAPURAM.

BY ADV. SRI.G.SASIDHARAN CHEMPAZHANTHIYIL
SRI.S.VISHNU

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY THE SECRETARY TO GOVERNMENT, DEPARTMENT OF CO-OPERATION, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. THE REGISTRAR OF CO-OPERATIVE SOCIETIES, THIRUVANANTHAPURAM.

3. KERALA STATE CO-OPERATIVE AGRICULTURAL AND RURAL DEVELOPMENT BANK, REPRESENTED BY ITS MANAGING DIRECTOR, THIRUVANANTHAPURAM.

4. THE BOARD OF DIRECTORS, KERALA STATE CO-OPERATIVE AGRICULTURAL AND RURAL DEVELOPMENT BANK, THIRUVANANTHAPURAM.

BY SR.GOVT. PLEADER SRI.P.N.SANTHOSH.
BY ADV.SRI.V.G.ARUN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S.SIRI JAGAN, J.

W.P(C) NO. 10255 OF 2007

Dated this the 27th day of March, 2007

J U D G M E N T

The petitioner is working as Typist (Higher Grade) under the third respondent-Bank. He is an aspirant for promotion to the post of Assistant manager/P.A.to the Managing Director. He claims that his case for promotion was proposed to be considered in the Board meeting held on 6.10.2006 and also on 24.11.2006. However, the Board did not take any decision for filling up the posts to which the petitioner aspires for promotion. In the mean time, the Registrar of Co-operative Societies granted approval of the resolution moved by the Bank to amend the ratio as between Assistants and Typist/Steno in the matter of promotion to the post of Assistant Managers/P.A.to M.D. According to the petitioner, the said ratio is not retrospective in operation. In spite of the same, the petitioner's name is not being considered by the Board meeting scheduled to be held on 27.3.2007, which according to the petitioner, is violative of the fundamental rights to be considered for promotion.

2. I have heard learned counsel for the petitioner. I am of the opinion that this is a matter which the petitioner should more appropriately take up in a dispute before the Arbitration Court under Section 69(1) of the Kerala Co-operative Societies Act read with sub-section 2(d) thereof. Therefore, without prejudice to the right of the petitioner to seek his relief before the Arbitration Court under Section 69 of the Co-operative Societies Act, this writ petition is dismissed.

S.SIRI JAGAN,
Judge

Mbs/